

OGC 78-2120
4-5-78

THE WHITE HOUSE
WASHINGTON

IOB

April 4, 1978

NOTE FOR TONY LAPHAM, CIA

Here are the Board's proposed guidelines which I discussed with you, for reporting intelligence abuses to Congress under Section 3-4 of the new Executive Order. It was suggested that the President would probably prefer to prescribe them in a letter to the principals, rather than a more formal promulgation. Accordingly, they are in that form.

Please let me know the Agency's views on this, unless the Director wants to communicate them directly to Tom Farmer.

Burt Wides

DRAFT

Approved For Release 2004/08/19 : CIA-RDP81M00980R001900060045-7

IOB DRAFT

April 3, 1978

Procedures for Implementing Section 3-4 of E.O. 12036

To Admiral Turner (similar letters will be sent to SECDEF & Director, FBI)

As I stated in my July 27, 1977 letter to Senator Inouye, I consider intelligence abuses to be of such import that I intend to deal personally with such matters, including the obligation of the Executive Branch to inform the appropriate Congressional committees. Therefore, I am writing to you and the other heads of intelligence agencies, pursuant to Section 3-4 of Executive Order 12036, to indicate the appropriate procedures for reporting to Congressional committees "... information relating to intelligence activities that are illegal or improper and corrective actions that are taken or planned."

The CIA should continue to report to the Intelligence Oversight Board activities which raise questions of legality or propriety. The IOB will review the matter and, if it raises a serious question, report it to me with its recommendations. If you feel that the gravity of a matter is such that it should be reported directly to me, the information also should be provided at the same time to the IOB so that it can begin its review promptly.

After considering the reports of the CIA and the IOB and, on questions of legality, the judgment of the Attorney General, I will review any determinations that an activity is illegal or improper, the proposed corrective action, and the manner and timing of reporting to the Congress. You will then make the appropriate report on the matter to the Congressional committees, except when I communicate the matter to them directly.

In the case of questions of legality or propriety which you believe are so minor that they clearly do not need to be brought to my attention, you should continue directly to inform Congressional committees, as well as the IOB, in a timely manner. You may, of course, at any time suspend an activity which raises a serious question of legality or impropriety, until a final determination is made whether the activity should be modified or discontinued and what other corrective action is required.

(for President Carter's signature)

Approved For Release 2004/08/19 : CIA-RDP81M00980R001900060045-7

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